

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION**

In re: Subetrice Ternice Samuel Debtor. Joseph Schalk, Objecting Party v. Deutsche Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2004-HE6, Mortgage Pass-Through Certificates, Series 2004-HE6 Respondents.	Bankruptcy 1:20-bk-02670-HWV Chapter 13 Related to Doc. No. 66
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**RESPONSE TO MOTION TO DETERMINE
VALIDITY OF PAYMENT CHANGE RULE 3002.1.**

The undersigned, Robertson, Anschutz, Schneid, Crane & Partners, PLLC, attorneys for Secured Creditor Deutsche Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2004-HE6, Mortgage Pass-Through Certificates, Series 2004-HE6 (“Secured Creditor”), hereby files its Response Motion to Determine Validity of Payment Change Rule 3002.1. (“Objection”) (DE # 66), and in support thereof states as follows:

1. Debtor Subetrice Ternice Samuel (“Debtor”), filed the instant Chapter 13 Petition on September 9, 2020.
2. Secured Creditor holds an interest in Debtor’s real property located at 1616 State Street Harrisburg, PA 17103
3. Secured Creditor timely filed its Proof of Claim on September 24, 2020 as Claim Number 4-1, and Filed an Amended Proof of Claim on October 16, 2024.
4. Pursuant to Federal Rule of Bankruptcy Procedure 3001(f), a proof of claim (and, by extension, supplemental proof of claim) executed and filed in accordance with the

Bankruptcy Rules “shall constitute prima facie evidence of the validity and amount of the claim.”

5. On September 30, 2024, Secured Creditor filed its Notice of Mortgage Payment Change.
6. On October 31, 2024, Joseph P Schalk (“United States Trustee”) filed a Motion to Determine Validity of Payment Change, asserting allegations opposing Secured Creditor’s claim.
7. Secured Creditor requires additional time to review its records and investigate the issues raised in the United States Trustee’s Motion, and requests a hearing be set on same.
8. Secured Creditor reserves the right to supplement its Response to United States Trustee’s Objection at any time before or at the hearing.

WHEREFORE, Creditor respectfully requests that this Honorable Court overrules Debtor’s objection and allows Secured Creditor’s Notice of Mortgage Payment Change as filed so as to preserve Creditor’s Claim, and for such other and further relief as the Court may deem just and proper.

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CERTIFICATE OF SERVICE

I certify under penalty of perjury that I served the above captioned pleadings at the addresses specified below on **November 8, 2024**

The types of service made on the parties were:

By First-Class Mail:

Subetrice Ternice Samuel
1616 State Street
Harrisburg, PA 17103

And via electronic mail to:

Kara Katherine Gendron
Mott & Gendron Law
125 State Street
Harrisburg, PA 17101

Jack N Zaharopoulos
Standing Chapter 13
(Trustee)
8125 Adams Drive, Suite A
Hummelstown, PA 17036

United States Trustee
US Courthouse
1501 N. 6th St

Harrisburg, PA 17102 **Robertson, Anschutz,
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